

MAo5QOR1

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1 for it.

2 MR. HOLZBERG: Your Honor, I would like to offer this  
3 letter into evidence as notice to the defendant.

4 MR. WIMS: Objection, your Honor.

5 THE COURT: Overruled.

6 I will let you lay a foundation, counsel, as to how  
7 the plaintiff learned of this letter.

8 BY MR. HOLZBERG:

9 Q. Tesa, how did you learn of this letter?

10 A. This letter was faxed to the general practice where I was  
11 working, and so when the front desk received it, you know, they  
12 showed it to me and I made a copy of it. I wanted to have a  
13 copy for myself.

14 MR. HOLZBERG: Your Honor, I would like to publish  
15 this letter to the jury.

16 MR. WIMS: Objection, your Honor.

17 THE COURT: So, I am going to receive this document in  
18 evidence. You have testimony here that it came to the office  
19 in October of 2015 and the plaintiff made a copy of it at that  
20 time but I can't underscore enough -- I think you have all got  
21 the point -- nothing in this letter can be taken for the  
22 truth -- nothing -- unless you had a witness on the stand,  
23 under oath, able to give you eyewitness testimony about the  
24 events at issue. Otherwise, it is just something that came  
25 over the fax machine. But, obviously, it is part of the

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1 history here. As the plaintiff has recounted it, this document  
2 was received in the office in 2015 while she was an employee  
3 and she is entitled to tell you about what occurred after it  
4 was received. If you believe it was received in the office at  
5 that time you are entitled to consider what happened as a  
6 result of it being received.

7 Plaintiff's Exhibit 1.

8 (Plaintiff's Exhibit 1 received in evidence)

9 THE COURT: Excuse me, counsel. You can't hand things  
10 to the jury without talking with me.

11 MR. HOLZBERG: Sorry. Your Honor, I asked if I may  
12 publish this letter to the jury. May I hand it to --

13 THE COURT: You have one copy?

14 MR. SMITH: Your Honor, we have an enlargement.

15 THE COURT: OK. So, ladies and gentlemen, any  
16 exhibits received in evidence will be available to you during  
17 your deliberations.

18 Counsel, continue with your examination.

19 MR. HOLZBERG: Sure. Your Honor, rather than  
20 providing the jury with a copy, may I show them the enlargement  
21 so they are all able to read it?

22 THE COURT: Sure.

23 MR. HOLZBERG: Thank you.

24 THE COURT: So, counsel, please ask your questions.

25 MR. HOLZBERG: Sure.